

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79286**

This is to certify that: JANET E BIRD AND/OR
KURT W BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-15926	WR/DECREED	12/31/1982	6.780 cfs	N/A	235.2	1554.5	BIG TIMBER CREEK
74-15927	WR/DECREED	12/31/1982	1.000 cfs	N/A	35.0	1554.5	BIG TIMBER CREEK
74-15928	WR/DECREED	4/10/1909	24.200 cfs	62.4 af	564.3	1554.5	BIG TIMBER CREEK
74-15929	WR/DECREED	4/10/1909	3.600 cfs	N/A	90.0	1554.5	BIG TIMBER CREEK
74-15930	WR/DECREED	10/28/1909	6.190 cfs	N/A	217.1	1554.5	BIG TIMBER CREEK
74-15931	WR/DECREED	10/28/1909	0.420 cfs	N/A	15.0	1554.5	BIG TIMBER CREEK
74-32	WR/DECREED	6/1/1895	3.240 cfs	N/A	136.6	1554.5	BIG TIMBER CREEK
74-34	WR/DECREED	6/1/1898	2.170 cfs	N/A	76.4	1554.5	BIG TIMBER CREEK
74-7165	WR/DECREED	10/6/1982	6.550 cfs	1134.9 af	321.5	1554.5	BIG TIMBER CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-15926	NO	NO	YES	NO	NO	NO
74-15927	NO	NO	YES	NO	NO	NO
74-15928	NO	NO	YES	NO	NO	NO
74-15929	NO	NO	YES	NO	NO	NO
74-15930	NO	NO	YES	NO	NO	NO
74-15931	NO	NO	YES	NO	NO	NO
74-32	NO	NO	YES	NO	NO	NO
74-34	NO	NO	YES	NO	NO	NO
74-7165	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-15926	74-15926	6.780 cfs	N/A	235.2	1554.5	N/A	N/A	N/A	N/A	N/A
74-15927	74-15927	1.000 cfs	N/A	35.0	1554.5	N/A	N/A	N/A	N/A	N/A
74-15928	74-15928	24.200 cfs	62.4 af	564.3	1554.5	N/A	N/A	N/A	N/A	N/A
74-15929	74-15929	3.600 cfs	N/A	90.0	1554.5	N/A	N/A	N/A	N/A	N/A
74-15930	74-15930	6.190 cfs	N/A	217.1	1554.5	N/A	N/A	N/A	N/A	N/A
74-15931	74-15931	0.420 cfs	N/A	15.0	1554.5	N/A	N/A	N/A	N/A	N/A

Transfer No. 79286

SUPPORT DATA
IN FILE # 74-32

Ex. 309

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79286

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-32	74-32	3.240 cfs	N/A	136.6	1554.5	N/A	N/A	N/A	N/A	N/A
74-34	74-34	2.170 cfs	N/A	76.4	1554.5	N/A	N/A	N/A	N/A	N/A
74-7165	74-7165	6.550 cfs	1134.9 af	321.5	1554.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		46.370 cfs	N/A	1554.5	1554.5		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 7th day of May, 2014.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 74-32**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-32 is now described as follows:

Right Holder: KURT W BIRD AND/OR
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 6/1/1895

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From
03/15

To
to 11/15

Diversion Rate

3.240 cfs
3.240 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWSW
NWNW

Sec 17 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	38.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 136.6

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 136.6 acres within the authorized place of use in a single irrigation season.
2. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

Transfer No. 79286

WATER RIGHT NO. 74-32
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-34**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-34 is now described as follows:

Right Holder: KURT W BIRD And
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 6/1/1898

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

2.170 cfs

2.170 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK

NWNW

Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8											4.0		1.0	18.0			23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	38.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 76.4

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 76.4 acres within the authorized place of use in a single irrigation season.
2. Rights 74-34 and 74-912 when combined shall not exceed the irrigation of 76.4 acres.
3. Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-34
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-15926**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15926 is now described as follows:

Right Holder: KURT W BIRD AND/OR
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 12/31/1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

6.780 cfs

6.780 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK

SWNW

Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 235.2

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 235.2 acres within the place of use described for this right.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15930 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-15926
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Right 74-15926 is based upon an enlargement of Right No. 74-15928 pursuant to Section 42-1426, Idaho Code.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. This right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-15927**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15927 is now described as follows:

Right Holder: JANET E BIRD AND/OR
KURT W BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 12/31/1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWNW
SWNW

Sec 20 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8											4.0			1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 35.0

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 35 acres within the place of use described for this right.
2. Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. Rights 74-15927, 74-15929 and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-15927
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right 74-15927 is based upon an enlargement of Right No. 74-15929 pursuant to Section 42-1426, Idaho Code.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. This right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-15929**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15929 is now described as follows:

Right Holder: KURT W BIRD AND/OR
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 4/10/1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

3.600 cfs

3.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWNW
SWNW

Sec 20 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8											4.0			1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0					24.8	1.0					26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	38.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 90.0

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. Rights 74-15927, 74-15929, and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

Transfer No. 79286

WATER RIGHT NO. 74-15929
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right No. 74-15927 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-15930
As Modified by Transfer No. 79286

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15930 is now described as follows:

Right Holder: KURT W BIRD And
 JANET E BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE, ID 83464

Priority Date: 10/28/1909

Source: BIG TIMBER CREEK **Tributary:** LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

6.190 cfs

6.190 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK NWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0					24.8	1.0					26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 217.1

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 217.1 acres within the authorized place of use in a single irrigation season.
2. Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15930 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-15930
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-15931**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15931 is now described as follows:

Right Holder: KURT W BIRD And
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 10/28/1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.420 cfs

0.420 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWNW
SWNW

Sec 20 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 15.0

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927, 74-15929 and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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Ex. 309

WATER RIGHT NO. 74-15931
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 74-7165
As Modified by Transfer No. 79286

In accordance with the approval of Transfer No. 79286, Water Right No. 74-7165 is now described as follows:

Right Holder: JANET E BIRD AND/OR
 KURT W BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE, ID 83464

Priority Date: 10/6/1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	03/15	to 11/15	0.120 cfs	
IRRIGATION	03/15	to 11/15	6.430 cfs	1125.3 af
IRRIGATION FROM STORAGE	03/15	to 11/15		9.6 af
IRRIGATION STORAGE	03/15	to 11/15	6.550 cfs	9.6 af
				1134.9 af

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK NWNWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 321.5

POU Total Acres: 1554.5

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

POU Total Acres: 1554.5

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WATER RIGHT NO. 74-7165
As Modified by Transfer No. 79286

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	17															X	X	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 321.5 acres within the place of use described above in a single irrigation season.
2. Rights 74-34, 74-912, 74-7165, and 74-15930 when combined shall not exceed the irrigation of 615 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.
4. Right(s) 74-7165 and 74-15928 authorize the diversion of an annual total of 72.0 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
5. The pond established by the storage of water under rights 74-7165 and 74-15928 shall not exceed a total capacity of 60 acre-feet or a total surface area of 7 acres.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79286

WATER RIGHT NO. 74-7165
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 74-15928
As Modified by Transfer No. 79286

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15928 is now described as follows:

Right Holder: JANET E BIRD AND/OR
 KURT W BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE, ID 83464

Priority Date: 4/10/1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	03/15	to 11/15	1,560 cfs	
IRRIGATION	03/15	to 11/15	22,640 cfs	
IRRIGATION FROM STORAGE	03/15	to 11/15		62.4 af
IRRIGATION STORAGE	03/15	to 11/15		62.4 af
			24,200 cfs	62.4 af

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK SWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 564.3

POU Total Acres: 1554.5

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

POU Total Acres: 1554.5

Transfer No. 79286

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 79286

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	17															X	X	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 564.3 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.
5. Right(s) 74-7165 and 74-15928 authorize the diversion of an annual total of 72.0 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
6. The pond established by the storage of water under rights 74-7165 and 74-15928 shall not exceed a total capacity of 60 acre-feet or a total surface area of 7 acres.
7. Right No. 74-15926 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
12. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
13. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.

Transfer No. 79286

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

14. This right does not grant any right-of-way or easement across the land of another.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

